



**RULES OF THE JUDICIAL
MERIT SYSTEM
OF THE SUPERIOR COURT IN
YUMA COUNTY**



RULE 16 - SEXUAL HARASSMENT

16.01 Purpose

It is improper and against the policy of the Superior Court for any court employee to ask for or receive sexual favors from another Employee or prospective employee in return for or as a condition of granting employment, making a promotion, providing job retention, giving a specific job or duty assignment, or any other action relating to court employment. It is also against the policy of the superior court for employees to conduct themselves in a manner which creates "hostile working environment," such as unwelcome sexual advances, requests for sexual favors, display or transmissions of visual forms of harassment such as cartoons or drawings, physical interference with normal work or movement such as blocking or following employees, and verbal harassment such as jokes, slurs, derogatory comments, profanity, and obscenity.

16.02 Procedure

- A. An employee (complainant) who believes they have been sexually harassed should present their complaint promptly in writing or orally verbally to the Appointing Authority of the employee.
- B. The Appointing Authority will meet with the complainant at the earliest practicable time to discuss the complaint thoroughly and objectively. The complainant will be advised by the Appointing Authority that the complaint is to be treated confidentially and should not be discussed with other employees or others due to the sensitivity of the complaint.
- C. The Appointing Authority will document a complaint as specifically as possible, including instances, dates and places of claimed harassment; names of witnesses to the instances, and names of others whom the complainant believes have experienced similar harassment by the respondent. The document will be presented to the complainant for review and approval evidenced by signing the documents.
- D. The Appointing Authority will next meet with the person against whom the complaint is made (responding party) at the earliest practicable time to inform the responding party of the complaint. The responding party will be given copies of the documents presented by the complainant or prepared by the Appointing Authority which the complainant signed.

1. If the responding party chooses to respond, they may do so verbally or in writing. The response will be documented by the Appointing Authority as specifically as possible, and the documents will be presented to the responding party for review and approval evidenced by the responding party's signature on the documents.
 2. The responding party will be advised by the Appointing Authority that the complaint and the response are to be treated confidentially and should NOT be discussed with others except as the responding party finds necessary to prepare a response.
- E. Copies of any documents of the response should be given to the complainant who may reply in writing to the Appointing Authority within a period stated by that Appointing Authority.
- F. A copy of the written reply will be given to the responding party by the Appointing Authority. The Appointing Authority may interview other people concerning the complaint, which people will be advised that the proceedings are to be treated confidentially and should not be discussed with others.
- G. The Appointing Authority will render a written decision with findings and conclusions, and a copy will be given to the complainant, the responding party, and the Court Administrator, provided however if the Court Administrator has acted in the matter as the Appointing Authority, a copy will be given to the Presiding Judge.
1. If sexual harassment is found, the decision will state the specific remedial action to be taken.
 2. If the responding party is a classified employee with regular status and sexual harassment is found, remedial action which is disciplinary, i.e. dismissal, suspension, or demotion, may not be taken until the procedures stated in Rule 10.03 have been completed. Any disciplinary action taken by the Appointing Authority pursuant to Rule 10.03 will be subject to the employee's right of appeal pursuant to Rule 11.
 3. To the extent permitted by procedures established under Rule 3.19, the decisions may be pursued as a grievance by either party other than a classified employee having the right of appeal under Rule 11.